



Department of Justice

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FOUR INDICTED IN PHONY PRICE CODE LABELING SCAM

DAYTON – A federal grand jury here has indicted four people alleging that they conspired to manufacture and place fraudulent Universal Price Code (UPC) labels on an estimated \$1.6 million dollars in merchandise at large retail stores in order to buy the items at greatly reduced prices then sell them for profit through an eBay account.

Gregory G. Lockhart, United States Attorney for the Southern District of Ohio; Keith L. Bennett, Special Agent in Charge, Federal Bureau of Investigation, Cincinnati Field Division, and Huber Heights Police Chief James Borland announced the indictment returned today.

The indictment charges four Dayton area residents:

Tommy Joe Tidwell, age 35
David A. Detrick, age 30
David J. Lombardo, age 44
and Telisha Davis, age 27.

The indictment alleges that since 2002, the four defendants conspired to carry out this fraudulent scheme at various large, chain-type home improvement and general merchandise stores located in the States of Ohio, Illinois, Indiana, Pennsylvania and Texas. The scheme allegedly involved the use of personal computers to create fraudulent UPC labels. The indictment alleges that the individuals would enter stores, place counterfeit labels on merchandise they had targeted, and then approach store cashiers to purchase the items. The fraudulent UPC labels attached to the merchandise would cause the item to be rung up for a price far below its actual retail value. The four would then sell the items through an account on eBay to unsuspecting customers nationwide.

FBI agents and Huber Heights Police officers seized computers and stolen merchandise bearing the fraudulent labels when they executed a search warrant at Tidwell's house and arrested him on June 17. A loaded firearm was also seized at Tidwell's house. All four defendants remain in custody following their arrest.

The indictment charges the four with conspiracy to use unauthorized access devices, punishable by up to 5 years imprisonment, a \$250,000 fine, a term of supervised release of 3 years and a \$100 special assessment. The indictment also contains charges of unauthorized possession of Device-Making Equipment which is punishable by up to 15 years imprisonment, a \$250,000 fine, a term of supervised release of 3 years and a \$100 special assessment; unauthorized use of a counterfeit access device, punishable by up to 10 years imprisonment, a \$250,000 fine, a term of supervised release of 3 years and a \$100 special assessment; use of an unauthorized access device to obtain things worth more than \$1,000 punishable by up to 15 years imprisonment, a \$250,000 fine, a term of supervised release of 3 years and a \$100 special

assessment; and six counts of mail fraud, punishable by up to 20 years imprisonment, a \$250,000 fine, a term of supervised release of 5 years and a \$100 special assessment on each count.

Lockhart commended the joint investigation by FBI agents and Huber Heights police officers, and Assistant U.S. Attorney Dwight Keller, who is prosecuting the case.

An indictment is merely an accusation. All defendants are presumed innocent until and unless convicted in court.

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